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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,858	03/23/2005	Peter Greifenstein	238.011	4182

29166 7590 08/25/2006

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EXAMINER

CLARK, AMY LYNN

ART UNIT	PAPER NUMBER
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1655

DATE MAILED: 08/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT

PAPER

20060816

DATE MAILED:

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Commissioner for Patents

Acknowledgment is made of the receipt and Applicant's election of Group I, Claims 1-13 filed on 7/17/2006. However, Applicant is not fully responsive to the restriction requirement because Applicant must expressly identify an elected species and identify the claims readable on the elected invention, as set forth in the Office action dated 5/15/2006. Applicant must elect one or more component or extract from Claim 1 and specify whether the component is an extract as Specie A. If mycete is elected as Specie A, further elect one type of mycete from Claim 12. Applicant must elect either pulp, multiple fruit, juice, milk, kernels, fibers, cell filaments, myzelles, endosperm, leaves, blossoms, buds, hulls or stalks from Claim 2 or if Prunus armenica is elected as Specie A from Claim 1, further elect either fibers or endosperm, if mycetes are elected as Specie A from Claim 1, further elect either cell filaments of myzelles and if musaze or rubus leaves are elected, further elect either fruits or hulls from Claim 3, as Specie B. Applicant must elect one additional component and one form of administration from Claim 4, as specie C. Applicant must elect one extraction method from either Claim 5, Claim 6, Claim 7 or Claim 8 as Specie D. If the method of Claim 5 is elected, further elect partial or complete evaporation from Claim 5, if method of Claim 6 elected, further elect hot or cold extraction and a continuous or discontinuous method from Claim 6, if the method of Claim 7 is elected, further elect one continuous or one discontinuous extraction method from Claim 7, if the method of Claim 8 is elected, further elect either maceration or percolation and ethanol or an ethanol-water mixture from Claim 8. Applicant must elect the form the extract is in from Claim 9 as Specie E. If a liquid extract is elected from Claim 9, further elect one form of administration from Claim 10. Applicant must elect one illness from Claim 13 as Specie F. "Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election. Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a)."

Since the submission appears to be a bona fide attempt to provide a complete reply to the prior Office action, Applicant is given a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply. This shortened statutory period for reply supersedes the time period set in the prior Office action. This time period may be extended pursuant to 37 CFR 1.136(a).

ALC

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Michelle P. Flood
MICHELE FLOOD
PRIMARY EXAMINER